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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ON THE MOVE, INC.,

Plaintiff,

v.

TRUCKNOLOGY, INC. A/K/A THE BRONX TRUCK
RENTAL CORP and EUGENE GREENBAUM,

Defendants.
----- x

: 08 Civ. 2533 (DAB) (JCF)

: **EX PARTE ORDER OF**
: **SEIZURE AND TEMPORARY**
: **RESTRAINING ORDER**

Upon the annexed Affidavit of Mark A. Ulfig ("Ulfig Affidavit"), President and Chief Executive Officer of plaintiff On The Move, Inc. ("Plaintiff"), sworn to April 7, 2008, and upon all the exhibits annexed thereto, including the Summons and Complaint, and the accompanying Memorandum of Law in Support of Plaintiff's Motion for an Order of Seizure and Temporary Restraining Order (the "Papers"), all in support of Plaintiff's motion pursuant to N.Y. CPLR § 7102 for an *ex parte* order of seizure, it is hereby,

ORDERED that it appears from the Papers that Plaintiff is entitled to possession of the chattel, that is the trucks (the "Property") described in the Ulfig Affidavit, including as specifically described in Exhibit A thereto, that the Trucks are being wrongfully withheld by defendants Trucknology, Inc. and Eugene Greenbaum (collectively, "Defendants"), and that unless such Order is granted *ex parte* the Property may become unavailable for seizure by reason of being transferred, concealed, disposed of, or removed from the State of New York or will become substantially impaired in value, and upon the condition that the Plaintiff file an undertaking with the Court in the amount of \$ 855,050.00 (that is, twice the amount of the value of the Trucks as set forth in the Ulfig Affidavit), in substantially the form annexed to the Ulfig Affidavit as Exhibit B, and it is further

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ORDERED that Plaintiff, on whose behalf the Court issues this Order, is authorized under the supervision and with the assistance of the United States Marshal for the Southern District of New York (the "U.S. Marshall"), to take all necessary steps to secure and remove the following property: 49 trucks, that is, the Property, as set out on the schedule of inventory immediately annexed hereto, located at 1130 and/or 1130-D Zerega Avenue, Bronx, New York 10462 (the "Premises"), and 137 Saw Mill River Road, Yonkers, New York 10701 (the "Yonkers Premises"), including breaking open, entering and searching for the Property and placing it with an appropriate storage facility, and it is further

ORDERED that anyone interfering with the execution of this Order is subject to arrest by the U.S. Marshal and/or his or her representative, and it is further

ORDERED that Plaintiff, on whose behalf the Court issues this Order, will account completely for all Property seized pursuant to this Order and shall compile a written inventory of all such Property and shall provide a copy to the U.S. Marshal, who shall include such a copy with his return to the Court, and it is further

ORDERED that Plaintiff, on whose behalf the Court issues this Order, will act as substitute custodian of any and all Property seized pursuant to this Order and shall hold harmless the U.S. Marshals Service and its employees from any and all claims, asserted in any court or tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and possession of the Property, including any third-party claims, and it is further

ORDERED that the U.S. Marshall is directed to serve the person or entity from whose possession the Property is seized and Defendants with a certified copy of this Order along with the Papers upon which it is granted, that is the Summons and Complaint, Ulfig Affidavit and the undertaking, in the same manner as a summons and complaint, and it is further

ORDERED that pending a final determination of this motion, Defendants, their members, officers, employees, servants, agents, attorneys, affiliates, subsidiaries, and all other persons acting on behalf of or in concert with Defendants, are enjoined and restrained from operating, concealing, parting with, disposing of or transferring the Property, and it is further

ORDERED that pursuant to N.Y. CPLR § 7102(d)(4), Plaintiff shall move to confirm this Order within 5 days of the seizure of the Property, and the motion to confirm, along with the papers upon which the Order is based, must be served by first class mail and electronic mail upon Defendants, which shall be deemed good and sufficient service.

**THE CAPTIONED MATTER IS BROUGHT TO SEIZE AND RECOVER THE
CHATELS DESCRIBED ABOVE**

SO ORDERED:

Deborah A. Batt
U.S.D.J. 4/10/08

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